United Nations A/HRC/27/4/Add.1

General Assembly

Distr.: General
21 July 2014

Original: English

Human Rights Council
Twenty-seventh session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Albania

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.14-08909 (E)
1408909

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1. According the paragraph 106 of the Draft Report of Working Group on UPR, after the examination of the recommendations contained in this paragraph Albania submits it views and provides responses on these recommendations.

2. The following recommendations enjoy the support of Albania which considers that most of the accepted recommendations are in the process of implementation, while the recommendations 106.7, 106.21 are partially accepted and the recommendation 106.22 is noted.

106.1 Accepted/in process of implementation

3. The domestic legislation protects and guarantees that all persons under 18 have the protections accorded by the Convention on the Rights of the Child (CRC).

4. The Albanian Constitution guarantee the rights of the child and in this context the state through its legal initiatives ensures fulfilling of the needs of child welfare, upbringing, education, employment, its intellectual development. The state has the obligation to ensure mitigation procedures for children during the trial proceedings, and to ensure the protection of children from all forms of abuse, violence, abuse, exploitation and use for work, especially under the minimum age for child labour.

5. The definition of the child is clearly defined in the domestic legislation, namely on the law "On the rights of the child", in accordance with the CRC, as well providing the protection of the children. According to this law "child" refers to any individual born alive, until 18 years of age. In case the age of the person is not fully determined, but there are reasons to presume that the person is a child, the person is considered a child and benefits from this law until his age is fully determined.

106.2, 106.14 Accepted/in process of implementation

6. The Criminal Code provides as offence "the maltreatment of minors", namely "compulsion, exploitation, push or use of minors to work, to provide income, to beg or commit acts that harm their mental, physical development, education, as well as aggravating circumstances and appropriate sanctions.

7. The "Labour Code", provides the ban of the recruitment of minors under the age of 16. An exception applies to the cases when minors from the age of 14 to 16 are employed only during the school holidays in light jobs that do not harm their health and growing.

8. The law "On safety and health at work" provides special protection for minors at work, and their exclusion from work in difficult conditions that endanger their well-being and development.

9. Some of the worst forms of child labour are addressed in the action plan for the "protection and care for children in street situations". A task force with representatives of the institutions at central and local level, and field teams are established, to identify and manage the cases. From June 2014 an awareness campaign is being implemented for the prevention of the exploitation of child labour. Measures are foreseen to strengthen the inspection of child labour, the worst forms of labour the conditions of the work in particular sectors.

106.3 Accepted/in process of implementation

10. The law ""On the protection of the rights of the child" guarantee the protection of their rights. To strengthen the child protection system, is foreseen the review of the existing legal framework and the policies, the analysis and evaluation of this system for identifying the achievements, problems, the proper functioning of a multi-sector system and strengthening of cooperation between different actors.

11. The labour protocol on the child protection system which provides procedures for handling cases of children in danger is adopted, including various actors (teachers, police officers, health workers), as well as actors on local level.

106.4 accepted, in process of implementation

12. Strengthening of the measures on gender equality are focused on the integration of women into the labour market, in particular for women from vulnerable groups, through the implementation of the National Strategy on Gender Equality, Reduction of Gender-Based Violence and Domestic Violence 2011-2015 and the National Strategy for Employment 2014-2020, namely:

- Promoting equal work opportunities through effective policies in the labour market;
- Increasing the number of males and females by providing quality education and vocational training programs;
- Increasing their participation in vocational training, especially for women and their employment.

106.5 Accepted/in process of implementation

13. The National Strategy on Gender Equality, 2011-2015 and its Action Plan, provides: strengthening the legal and institutional mechanism; increasing participation of women in decision-making; economic empowerment of women and girls; reducing gender-based violence. Financial costs and funding sources are defined already for its implementation. These policies will address the needs of vulnerable groups of women, in disadvantage situations related to their disabilities, social and ethnic origin or sexual orientation. Awareness programs and campaigns are developing on the elimination of gender discrimination.

14. The 3-year strategy, on the education on prenatal sex selection, which will be implemented in the 2nd half of the year 2014, provides:

- Awareness campaigns, educational activities on prenatal sex selection and its long-term consequences;
- models and approaches to influence gender norms and practices within families and society;
- training of professionals related to selective abortion, and the disruption of birth ratio;
- strengthening the cooperation with civil society organizations;
- improvement of data monitoring system for the registration of births in health institutions.

106.6 Partially accepted

15. The first part of this recommendation is accepted and is being implemented regarding the effective implementation of the legislation on discriminations.

16. The second part of this recommendation regarding the adoption of new provisions prohibiting discrimination based of nationality is not accepted and we provide the following information: The law "On protection from discrimination" contains an open-ended (non-exhaustive) list of discriminatory grounds, including the term "any other ground". In this context the nationality is provided as another ground for non-discrimination.

17. The Albanian legislation on discriminations ensure effective protection from discrimination and from any form of conduct that encourages discrimination. The number of *ex-officio* investigations and the number of decisions on discrimination issued by Commissioner for Protection against Discrimination (CPD) is increased, and the court has started the implementation of the law.

106.7 Partially accepted

18. The first part of recommendation is accepted regarding the discriminations against the Roma and Egyptian communities. The National Strategy on Roma minority and the National Action Plan of the Roma Inclusion Decade", provides measures regarding: education, health, social protection, social benefits, programs encouraging employment of the Roma, the vocational training, community services for Roma children, the integration of Roma street children, measures to prevent and combat trafficking, protection from violence, the economic aid program, social care services.

19. The second part of this recommendation regarding the minority status of "Egyptian community" is not accepted and we provide the following information.

20. The current attitude is that the "Egyptian community" is not recognized as a national or ethno-linguistic minority, based on objective and subjective criteria for the recognition of national minorities.

21. The issue of the minority status recognition of the "Egyptian community" will be considered and addressed by the Albanian authorities, in accordance with the international instruments for the protection of minorities, the Albanian legislation and the recommendations of international organizations.

106.8, 106.9 Accepted/in process of implementation

22. Amendments of Criminal Code in 2013 provide as criminal offences: "killing for revenge or blood feud", "serious threat of revenge or blood feud", "instigation for revenge" and the penal sanctions.

23. Recently was revised the Action Plan "On the prevention, detection, registering and combating criminal activities and the offences of murder for blood feud and revenge" in order to fight the blood feud phenomenon. A Special Unit for preventing and combating the criminal activity of murder for revenge and blood feud is established.

24. The education of children confined for revenge motives is guaranteed by the law "On Pre-University Education" and the Instruction "On the procedures for the education of isolated children". At local level, Regional Education Directorates and school departments cooperate with the local institutions to identify the isolated children and providing education and psycho- social services.

106.10 Accepted/in process of implementation

25. The corporal punishment is not provided in the Criminal Code as a special provision, because actions related to it are provided as separate offences as: harassment, beating, insulting, torture, violence, maltreatment against children constitutes aggravating circumstances.

26. The law "On Protection of the Rights of the Child" guarantees the protection of children from corporal punishment, torture, humiliating and degrading treatment, violence, in any places, including schools, residential institutions, penitentiary institutions. According to the Law "On measures against violence in domestic relations", in the cases when any form of violence against children in family relationships is exercised, an emergency

protective order is requested and the court orders the immediate protection of the child, based on the best interests of the minor.

27. Activities for raising the public and parental awareness are provided to avoid this phenomenon, and violence against children. The reform of social services will consolidate practices that support the families and develop services for parents.

106.11 Accepted/in process of implementation

28. According to the law "On measures against violence in family relations", the Police, the Prosecution Office have the right to demand a protection order of immediate protection for minors and sets the minimal deadline of 24 hours, for its issuance.

29. Amendments to the Criminal Code in 2013 provide the domestic violence as specific criminal offence. Committing the criminal offence during or after the issuance of court protection orders against domestic violence, is included in aggravated circumstance, which affects the severity of the penalty given to the perpetrator of the exerted violence.

30. The law "On legal assistance", provides the right to obtain legal assistance even for the victims of domestic violence.

31. Measures are foreseen for the implementation of the objectives and activities of National Strategy for Gender Equality, 2011-2015 and its Action Plan.

32. National Referral Mechanism of domestic violence which operates in 24 municipalities of the country aims at the multidisciplinary treatment of domestic violence.

33. During year 2014, it is envisaged the approval of amendments to the law "On legal aid", to increase transparency, efficiency, and to resolve the problems encountered during its implementation.

106.2, 106.12, 106.13, 106.14 Accepted/in process of implementation

34. Amendments to Criminal Code in 2013, provided the solution to the issue of internal trafficking. Other provisions are included related to: non-punishment of victims of trafficking, punishment of those who benefit from the services of victims of trafficking, punishment of actions that facilitate the trafficking, provisions on prostitution exploitation in aggravating circumstances, reduction of sentences for justice collaborators and victims of trafficking.

35. Based on the law "On social assistance and services", victims of trafficking apart from the social services provided during their accommodation in shelters and re-integration centres benefit an economic aid after they come out from these centres until they are employed. Financial funds are provided for the economic assistance to victims of trafficking.

36. The National Action Plan to Combat Trafficking of Human Beings "and Action Plan for the Fight against Child Trafficking and Child Protection, Victims of Trafficking", provides measures against trafficking of persons and children. The National Referral Mechanism for victims/potential victims of trafficking is established and the Standard Operating Procedures for the Identification and Referral of Victims / Potential Victims of Trafficking" are adopted.

106.15 Accepted/in process of implementation

37. Amendments to the Criminal Code in 2013 provide child protection from prostitution and specifically exploitation of juvenile prostitution, as well as severing of criminal sanctions against perpetrators of this crime.

106.16 Accepted/in process of implementation

38. The legislation guarantees the rights of persons arrested/convicted, including the right to have a lawyer and fair legal process.

39. During this period, measures were adopted to increase the efficiency of the investigative activity of the anti-corruption structures and the increase of criminal proceedings. Mechanisms for investigating the cases of corruption in the structures of the State Police have improved.

40. In April 2014, amendments have been approved to the Law "On the rights and treatment of prisoners and detainees." The Medium-Term Strategy for the Penitentiary System and its Action Plan has been designed, and its implementation will start in July 2014. This strategy provides a transparent, accountable and efficient system, the strengthening of the fight against corruption. In June 2014, was adopted a Medium Term Action Plan for the implementation of the recommendations related to system of prison, provided during the review of Albania in April 2014.

106.17 Accepted

106.18, 106.20, 106.23 Accepted

41. Albania bases the minority recognition process on the historical tradition, as well as the criteria set by international conventions such as the objective criteria related to ethnic, cultural, religious, linguistic characteristics, from the rest of the population of this group, and the criterion that implies personal choice. The Greek, Macedonian and Serbian-Montenegrin minorities are recognized as national minorities, and Roma and Aromanian/Vllah as ethno-linguistic minorities.

42. Albanian constitution and the legislation guarantees the right of persons belonging to minorities to freely express, their ethnic, cultural, religious and linguistic affiliation, as well the right to education in their mother tongue and to preserve their national, cultural, religious identity.

43. Albanian institutions are committed to implement the recommendations contained in the resolution of the Committee of Ministers of the Council of Europe (adopted in February 2014). In the *road map* (adopted in May 2014) on the fulfilment of the five priorities of the European Commission are foreseen measures for the protection of minorities. In this framework a Working Group is established with representatives of central institutions and independent institutions in order to evaluate the existing legal and policy framework for the protection of minorities and to present proposals related the improvement of legal framework and policies for minorities.

106.19. Accepted

44. The form of the census conducted in 2011 included also an optional question on ethnicity, in accordance with the principle of self-declaration. This question offered the option to indicate one ethnic group or to declare the preference to not answer. According to census data, the percentage of persons belonging to minorities is estimated 1.4% of the total population residing in the territory of Albania.

106.21. Partially accepted

45. The first part of this recommendation "abolish any possible legal grounds for differentiated treatment between national and ethno-linguistic minorities" is not accepted and we provide the following information.

46. The status of national or ethno-linguistic minorities has no negative or discriminatory effect regarding the implementation of the Framework Convention of Council of Europe (CoE) "For Protection of National Minorities" and the implementation of domestic legislation for the protection of the rights of the Greek, Macedonian and Serbian-Montenegrin minorities, recognised as national minorities, and Roma and Aromanian/Vllah recognised as ethno-linguistic minorities.

47. The second part of this recommendation is accepted regarding the implementation of the rights of persons belonging to all minorities. The law "On the Pre-University Education" guarantee the rights of persons belonging to minorities to learn and be taught in their mother tongue, to learn their history and culture.

106.22. Noted

48. In order to evaluate the existing legal and policy framework for the respect and protection of minorities. a Working Group (by the Order of the Prime Minister), has been set up with representatives of central institutions and independent institutions and other relevant stakeholders, In line with the recommendations of the Resolution of the Committee of Ministers and the Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities of the CoE and the conclusions as results of the broad consultation process, Albanian institutions will make the necessary legal proposals for the improvement and the implementation of existing legal framework and regarding the adoption of a comprehensive legislation.